

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, Fifth Floor  
Post Office Box 45029  
Newark, New Jersey 07101

By: Olga E. Bradford  
Deputy Attorney General  
(973) 648-3696

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 8-24-09

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS -  
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

**MICHAEL A. SANTIAGO, D.V.M.**

TO PRACTICE VETERINARY MEDICINE  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by Willa Barnes following her visits with her pet to Michael A. Santiago, D.V.M. In her complaint to the Board, Ms. Barnes alleged that the respondent, Dr. Santiago, failed to properly diagnose the dog's condition and was negligent in his treatment of her eight (8) year old Rottweiler, "Brandy," in December 2006.

The Board's review of this matter revealed that Brandy was presented to Dr. Santiago by Ms. Barnes at the East Orange

Animal Hospital ("Hospital") on December 22, 2006 with complaints of ongoing lameness. The respondent examined the dog and palpated a hard mass on the left triceps area which appeared swollen. Following his examination, Dr. Santiago recommended radiographs to rule out certain tumors. The x-rays revealed diffuse soft tissue inflammation. Respondent further recommended abscess surgery due to the severity of the infection and to help reduce the inflammation.

Surgery was performed on Brandy on December 22<sup>nd</sup> and a total of three drains were placed in her arm. Moreover, a sample of the mass tissue was taken for biopsy submission. Post drain placement, the dog was administered medications, including antibiotics, as well as pain and anti-inflammatory management. She recovered slowly from the procedure but was ultimately discharged on the same day.

Brandy returned to the Hospital on December 26, 2006 for drain removal. The owner maintained, and advised the respondent, that the dog's condition had worsened following the surgery complaining that the dog was weak, constantly throwing up and was completely lame. Drains were removed and Brandy was sent home with instructions to the owner to monitor her condition. At no time was the dog administered any intravenous fluids or supportive care. Brandy died that evening.

In correspondence dated January 25, 2006 to the Board, Dr. Santiago confirmed that he recommended surgery due to the severity of the infection in Brandy's leg. He advised that he reduced the cost of the surgery so that the owner could afford the procedure. Additionally, Dr. Santiago detailed his pre and post surgical treatment of the dog. He noted that on Brandy's return visit on December 26<sup>th</sup>, despite the owner's complaint that the dog's condition had worsened, the swelling in her limb had subsided and there was no discharge from the drain sites. Moreover, his physical examination findings of Brandy were within normal limits except that the dog was quiet and depressed and her temperature was 101° F. Finally, the respondent asserted that he informed the owner to closely monitor Brandy's condition during the night and to stop certain medications to see if the vomiting improved.

Following its review of the patient records, and other relevant documents in this matter, the Board concluded that the Dr. Santiago engaged in repeated acts of negligence in his treatment of Brandy, contrary to N.J.S.A. 45:1-21(d). Specifically, the Board concluded that the respondent failed to: 1) recognize and assess the severity of the dog's condition on initial presentation; and 2) provide the dog with any viable treatment options; such as hospitalization for supportive care or referral of the dog to an emergency facility for said treatment. The Board found that Brandy's condition was severe and that the respondent's actions in

this matter failed to provide any workable resolution to the dog's medical condition. These facts establish a violation of N.J.S.A. 45:1-21(d) and therefore provide a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board and waiving his right to a hearing; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS 21<sup>st</sup> DAY OF  
AUGUST 2009, ORDERED THAT:

1. Respondent, Michael Santiago, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(d).
2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(d).
3. Dr. Santiago shall pay a civil penalty in the amount of \$5,000.00 for the violations found herein. Payment for the civil penalty shall be submitted be made contemporaneously with the signing of this Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent

violations will subject respondent to enhanced penalties subject to N.J.S.A. 45:1-25..

In the alternative, the respondent may pay the civil penalty, totaling **\$5,000.00** in equal installment payments of **\$208.00** for a total twenty-three (23) months. The twenty-fourth (24th) and final payment will total **\$216.00**. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD  
MARK W. LOGAN, V.M.D.  
President

I have read and understand the  
within Consent Order and agree  
to be bound by its terms. Consent  
is hereby given to the Board to  
enter this Order.

Michael A. Santiago, D.V.M.  
MICHAEL A. SANTIAGO, D.V.M.

DATED: 7/30/2009  
July 30, 2009